

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT DALTON RUSH,)
Petitioner,) No. C 09-2266 CRB (PR)
vs.) ORDER REQUESTING
BEN CURRY, Warden,) SUPPLEMENTAL BRIEFING
Respondent.)

A recent en banc decision from the Ninth Circuit addressed important issues relating to federal review of parole decisions in California. See Hayward v. Marshall, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22, 2010) (en banc). The court requests that the parties submit supplemental briefs (not to exceed 12 pages in length) explaining their views on how the Hayward en banc decision applies to this parole denial habeas case. The court sets the following schedule:

1. Within 10 days of this order, respondent shall send to petitioner a copy of the Hayward decision.

2. Within 30 days of this order, respondent shall file with the court and serve on petitioner a supplemental brief on the impact of Hayward on this action.

3. Within 15 days thereafter, petitioner may file with the court and serve on respondent a supplemental brief on the impact of Hayward on this action.

SO ORDERED.

DATED: April 30, 2010


CHARLES R. BREYER
United States District Judge